

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21577
Date Received: 9/21/2005
Receipt No: 5028014
Received By: KKC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

TRIANGLE LAND & LIVESTOCK LLC Phone: (208)734-0700
PO BOX 1906
TWIN FALLS ID USA 83303-1906

2. Date of Priority: 05/01/1943

3. Source: SPRINGS Trib. to: WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
01S	18E	13	NW	NE	BLAINE	
01S	18E	12	SE	SE	BLAINE	
01S	18E	12	SW	SE	BLAINE	
01S	18E	12	SE	SW	BLAINE	

5. Description of diverting works:

ditches, instreams, stockwater

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
0.03 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
01S	18E	12	SE	SE	STOCKWATER	
			SW	SE	STOCKWATER	
			SE	SW	STOCKWATER	
01S	18E	13	NW	NE	STOCKWATER	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title

_____, and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)

County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Identification No. 37-21577

Date Received 9-21-05

Receipt Number 30 28014

Department of Water Resources
Southern Region

RECEIVED
SEP 21 2005

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.**

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Triangle Land & Livestock, L.L.C. Phone (208) 734-0700

Mailing Address P.O. Box 1906, Twin Falls, ID Zip 83303-1906

2. Date of Priority (Only one per claim) May 1, 1943 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other () (a) spring

which is tributary to (b) Willow Creek Name or kind of source

4. Location of point of diversion is: Township 1 South Range 18 EBM

Section 13 , NW 1/4 of NE 1/4 of 1/4, Govt. Lot , BM.,

County of Blaine

Additional points of diversion if any: S½SE¼; SE¼SW¼ of Section 12, T 1 S, R 18 EBM

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Ditches - Instreams - Stockwater

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For stockwater purposes from 01/01 ^{Month/Day} to 12/31 ^{Month/Day} amount .03 (cfs)

For purposes from to amount
(Both dates are inclusive)

7. Total quantity claimed .03 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 100 head cattle; stockwater

10. Place of use is: Township: 1 South Range 18 EBM
Section 13 , NW 1/4 of NE 1/4, Govt. Lot _____, B.M.,
County of Blaine for (Circle One) Domestic Stock Domestic and Stock
Additional places of use, if any S $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 12, T 1 S., R 18 EBM

11. In which county (ies) are lands listed above as place of use located? Blaine

12. Do you own the property listed above as place of use? Yes XX No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
None

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature] Date 9/20/05
Date _____

For Organizations: I do solemnly swear or affirm that I am the Managing Member
of Triangle Land & Livestock, L.L.C. Title
that I have signed the foregoing
document in the space below as Managing Member of Triangle Land & Livestock, L.L.C.
Organization Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization Managing Member, Triangle Land & Livestock, L.L.C.

State of Idaho/or _____ }
County of Twin Falls } SS.

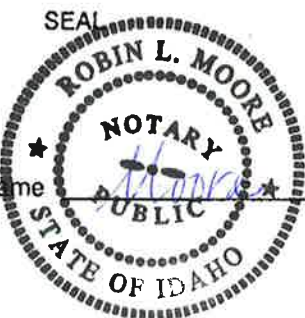
Subscribed and sworn (or affirmed) before me this 20th day of September 2005

Notary Public [Signature]

Residing at Jerome

My Commission Expires 12-28-06

Last Name _____ Ident No. 14086



Clayne Chaumell
1729 South Atlantic
Boise, Idaho 83705
(208) 342-8760

Nick Treasure
Idaho Department of Water Resources
1341 Fillmore Street – Ste. 200
Twin Falls, ID 83301

RE: Blaine County Property – Stock Water Claim

Dear Mr. Treasure:

In 1941 and 1943, my father, Otis Chaumell, bought the property described as S $\frac{1}{2}$ SE $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 12; and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 13, all in Township 1 South, Range 18 E.B.M. in Blaine County, Idaho. Ever since the time of his purchase of that property, the ownership of the land remained in our family until earlier this year. Every year since the property was purchased by my father, cattle grazed on the property and drank from the spring-fed streams that traverse the property. I have personal knowledge of the foregoing, since I frequently ran the cattle to and from the property, and tended them while they were pastured on the property. During recent years, we leased the property for grazing purposes to Jim Castle, and he ran approximately 100 head of cattle on the property. I sold the property this year to Triangle Land & Livestock, LLC.

Yours truly,

A handwritten signature in cursive script that reads "Clayne Chaumell". The signature is written in dark ink and is positioned above the printed name.

Clayne Chaumell

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

161 Fifth Avenue South - Suite 100
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idalawyer.com

September 20, 2005

RECEIVED
SEP 21 2005
Department of Water Resources
Southern Region

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Claim to Water Right for Stock Water Purposes

To Whom It May Concern:

On July 6, 2005, I mailed to you for filing a Notice of Claim to a Water Right for Triangle Land & Livestock, L.L.C., together with our check in the amount of \$25.00 and an original letter from the previous owner. Apparently, that mailing was never received by IDWR. Therefore, I am resubmitting the Notice, together with the filing fee of \$25.00 and a copy of the letter from the previous owner. Please advise me if it will be necessary for me to obtain another original letter from Mr. Chaumell.

Thank you.

Yours truly,

GARY D. SLETTE

GDS:rlm

Encls.

rlw\gds\letter\IDWR15

11/21/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 37-21577
TRIANGLE LAND & LIVESTOCK LLC
PO BOX 1906
TWIN FALLS ID 83303-1906
Telephone Number: (208)734-0700

RECEIVED
DEC 06 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 11/28/06 SIGNATURE: G. D. Slette, Member
Please print your name: Gary D. Slette

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC - 4 2006

11/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21577

NAME AND ADDRESS: TRIANGLE LAND & LIVESTOCK LLC
PO BOX 1906
TWIN FALLS ID 83303-1906

SOURCE: UNNAMED STREAM

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1943

POINT OF DIVERSION:

T01S R18E S12 NWSWSE Begin of Stream Flow Within BLAINE County
T01S R18E S12 SESWSE Begin of Stream Flow Within BLAINE County
T01S R18E S12 NWSESE Begin of Stream Flow Within BLAINE County
T01S R18E S12 SWSESE End of Stream Flow Within BLAINE County
T01S R18E S12 SESESE End of Stream Flow Within BLAINE County
T01S R18E S12 SESESE Begin of Stream Flow Within BLAINE County
T01S R18E S13 NWNWNE End of Stream Flow Within BLAINE County
T01S R18E S13 SENWNE End of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in BLAINE County

T01S R18E S12	SESW	T01S R18E S12	SWSE
T01S R18E S12	SESE	T01S R18E S13	NWNE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

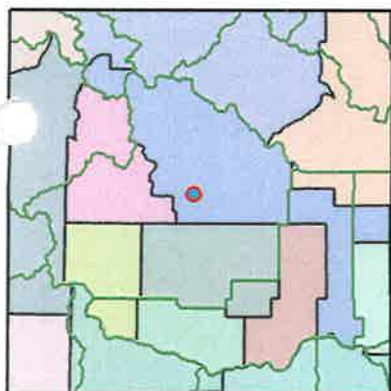
SRBA Recommendation:

37-21577

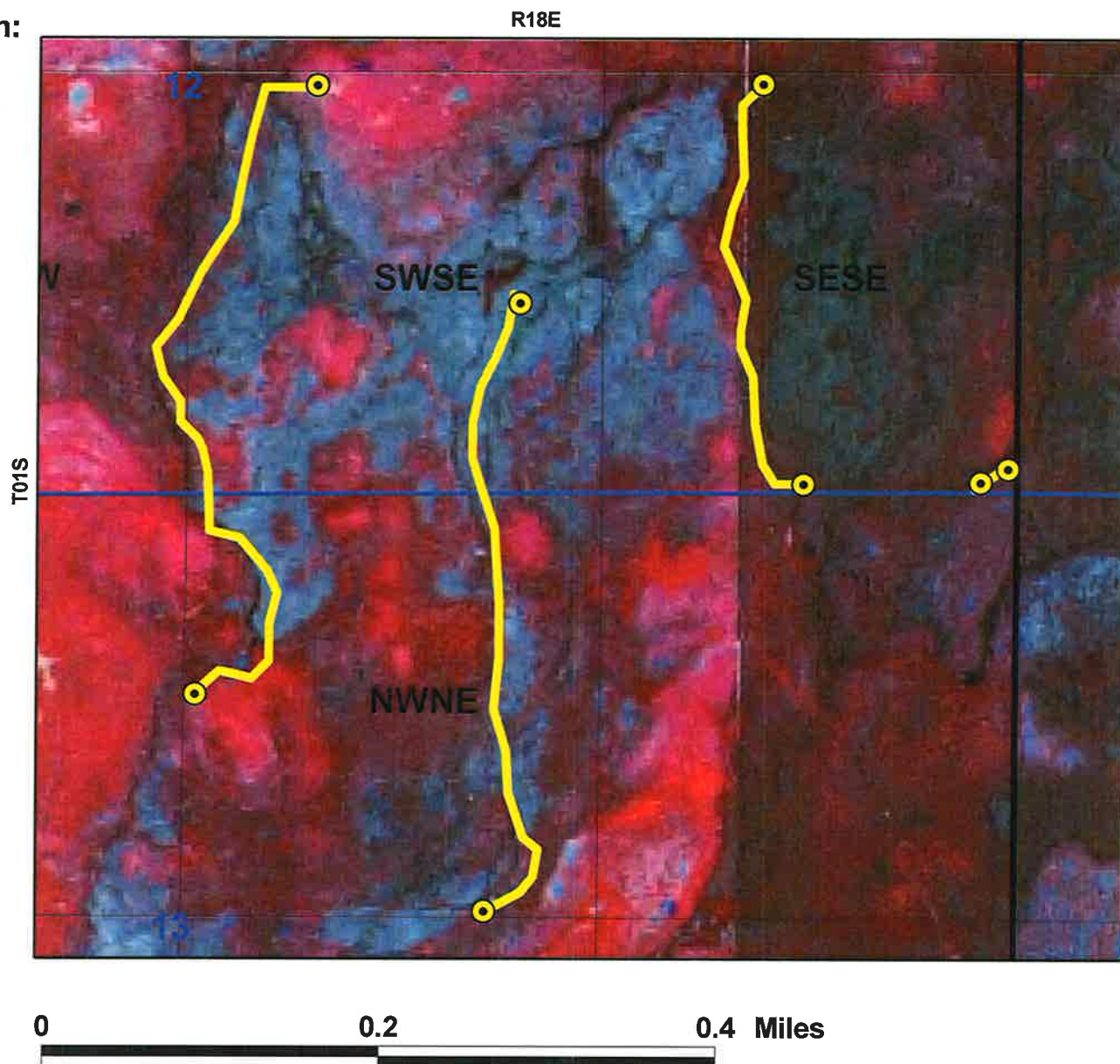
(Stockwater)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Blaine County
IDWR Basin 37



Owner: Triangle Land & Livestock LLC

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

Prepared by A. Merritt
On Saturday, November 11, 2006
1987/88 Aerial Photography

10/14/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-21577

NAME AND ADDRESS: TRIANGLE LAND & LIVESTOCK LLC
PO BOX 1906
TWIN FALLS ID 83303-1906

VERIFIED BY KKC

SOURCE: SPRINGS

unimproved stream

TRIBUTARY: WILLOW CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1943

POINT OF DIVERSION:

T01S R18E S12 NWSWSE Begin of Stream Flow Within BLAINE County
T01S R18E S12 SESWSE Begin of Stream Flow Within BLAINE County
T01S R18E S12 NWSESE Begin of Stream Flow Within BLAINE County
T01S R18E S12 SWESESE End of Stream Flow Within BLAINE County
T01S R18E S12 SESESE End of Stream Flow Within BLAINE County
T01S R18E S12 SESESE Begin of Stream Flow Within BLAINE County
T01S R18E S13 NWNWNE End of Stream Flow Within BLAINE County
T01S R18E S13 SENWNE End of Stream Flow Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within BLAINE County

T01S R18E S12	SESW	T01S R18E S12	SWSE
T01S R18E S12	SESE	T01S R18E S13	NWNE

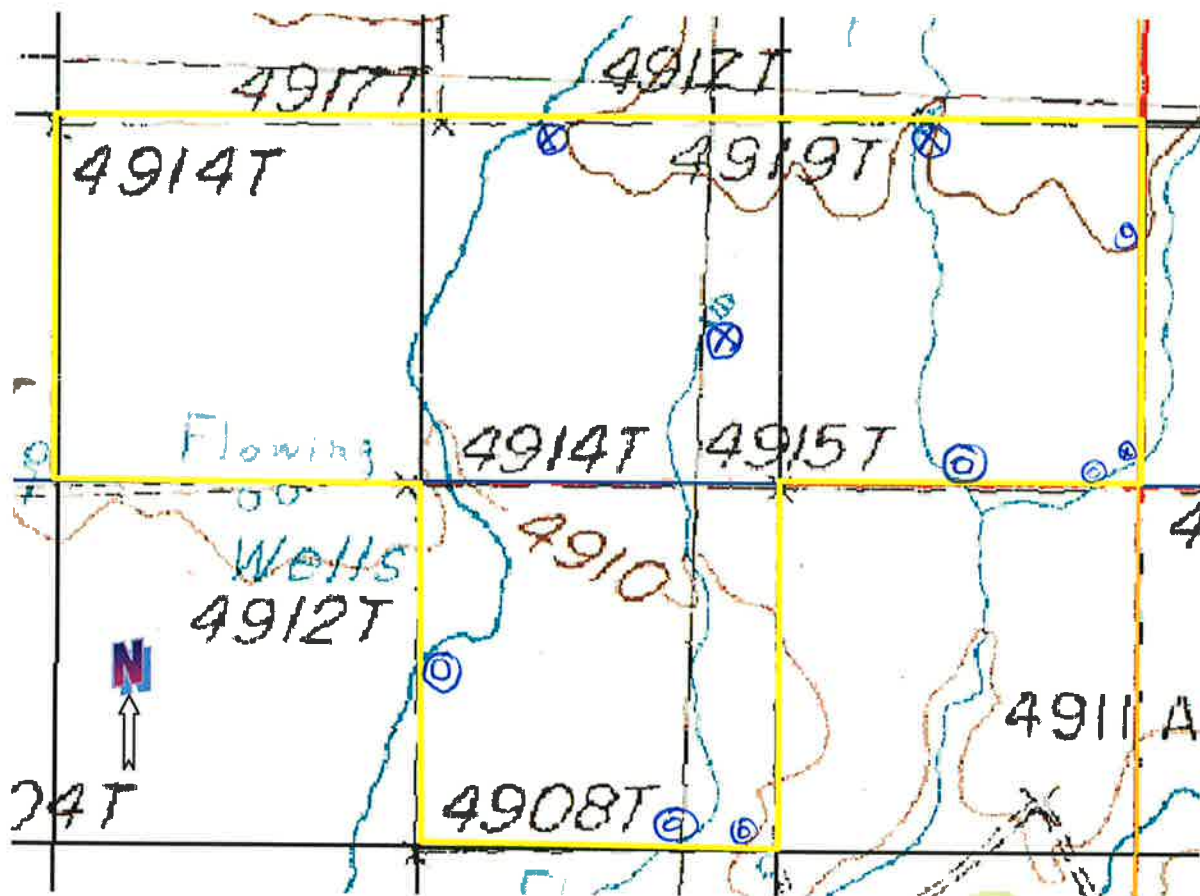
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

- ⊗ - Beginning point
⊙ - Ending point



**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER

161 Fifth Avenue South - Suite 100
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idalawyer.com

September 26, 2005

RECEIVED
SEP 27 2005
Department of Water Resources
Southern Region

Kelly K. Christensen
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: **Triangle Land & Livestock, LLC – Claim 37-21577**

Dear Kelly:

Thank you for your recent letter and the time you spent with me today discussing the claim of Triangle Land & Livestock, L.L.C. Enclosed for your information, please find a copy of the Warranty Deed by which the Chaumells conveyed the property to Triangle Land & Livestock, L.L.C. I am also including with this letter the portion of the quad map that you sent me marked with beginning and ending points for the various stream-ditch segments. I understand that stockwater rights are limited to 0.02 cfs, and that your recommendation will reflect that limitation.

If you need any further information, or if you have any questions relative to this property, please do not hesitate to contact me.

Yours truly,

GARY D. SLETTE

GDS:rlm

Encls.

rlm\gds\letter\IDWR16

Order No. 55068

Instrument # 521500

HAILEY, BLAINE, IDAHO

2005-06-14

10:59:00

No. of Pages: 1

Recorded for : AMERITITLE

MARSHA RIEMANN

Fee: 3.00

Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

WARRANTY DEED

FOR VALUE RECEIVED

CLAYNE E. CHAUMELL, a married man as his sole and separate property

GRANTOR(s), do(es) hereby GRANT, BARGAIN, SELL and CONVEY unto

TRIANGLE LAND & LIVESTOCK, L.L.C., an Idaho limited liability company

GRANTEE(s) whose address is: **PO Box 1906, Twin Falls, ID 83303-1906**

the following described real property in **Blaine** County, Idaho, to wit:

S $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12 & NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, Township 1 South, Range 18 East, Blaine County, Idaho Boise Meridian,

Subject To: Taxes, easements established or of record, restrictions and encumbrances of record, rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit.

TO HAVE AND TO HOLD said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: June 1, 2005

Clayne E. Chaumell

CLAYNE E. CHAUMELL

State of Idaho

County of *Ada*

On this 3 day of ~~May~~ *June* in the year 2005, before me, the undersigned, personally appeared CLAYNE E. CHAUMELL known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that she/he/they executed the same.

WITNESS my hand and official seal

Terry Fesler

Notary Public

Commission Expires: *7-6-06*





State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

ROBERTSON, HEPWORTH, SLETTE, WORST, & STOVER PLLC
PO BOX 1906
TWIN FALLS ID 83303-1906

COPY

RE: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM 37-21577

Dear Gary

Enclosed is your copy of the claim as data entered and the receipt. The tax records arc view layer we have shows the owner as Clayne E Chaumell. I could not locate information to resolve the ownership issue. Is Chaumell associated with Triangle Land & Livestock or has the property changed hands?

As I read the claim you submitted I understand it to be for an instream stockwater use from several channels within the property. I did not identify the beginning points or ending points for the stream segments but I will need that information before making a recommendation. I have also enclosed a clip of the quad map for the property in question. Please mark the beginning points and ending points and return it to me.

If I have misinterpreted your intent please give me a call and we can discuss this filing.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

Enclosures

